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December 10, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

**Re: Federal-State Joint Board on Universal Service,
CC Docket No. 96-45**

Dear Ms. Dortch:

On behalf of Western Wireless Corp. ("Western Wireless"), Mark Rubin of Western Wireless and the undersigned made an *ex parte* presentation today to Jeffrey Carlisle, Chief, Wireline Competition Bureau ("WCB"); Lisa Gelb, Deputy Chief, WCB; Richard Lerner, Associate Chief, WCB; Jeremy Marcus, Legal Counsel, WCB; Narda Jones, Chief, Telecommunications Access Policy Division ("TAPD"), WCB; Anita Cheng, Assistant Chief, TAPD/WCB; Mark Seifert, Assistant Chief, TAPD/WCB; and Thomas Buckley of TAPD/WCB. The presentation covered the points on the attached handout.

If you have any questions, please contact me.

Respectfully submitted,



David L. Sieradzki
Counsel for Western Wireless Corp.

Enclosure

cc: Staff members listed above

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**Western Wireless' Minnesota RLEC Redefinition Petition
Satisfies All of the Commission's Existing Standards**

- The Commission's existing standards for redefining rural ILEC service areas for purposes of competitive ETC designation are set forth in *First Report & Order*, and clarified/modified in *Virginia Cellular* ("VC") and *Highland Cellular* ("HC") designation orders:
 - Redefinition should not result in opportunities for "creamskimming."
 - * CETC commits to providing universal service throughout its territory. (VC, ¶ 42)
 - * Population density analysis demonstrates that CETC will not be serving only low-cost areas to the exclusion of high-cost areas within the study area. (VC, ¶¶ 32-35)
 - * No redefinitions for portions of rural ILEC wire centers. (HC, ¶ 33)
 - Redefinition will not harm rural ILEC.
 - Redefinition will not require rural ILEC to determine costs on basis other than study area.
- Western Wireless' petition satisfies all of these standards. In particular, redefining the Minnesota rural ILECs' service areas as proposed is consistent with the established "creamskimming" analysis:
 - Western Wireless commits to providing universal service throughout its service area in rural Minnesota. (WW ETC Petition, ¶¶ 13-14, 47; Minn. PUC Order at 6, 8-9.)
 - Population density analysis demonstrates that Western Wireless will not be serving only low-cost areas to the exclusion of high-cost areas within the study area. (Exh. D to WW's FCC Petition).
 - * In addition, *cost* analysis by Minnesota DOC demonstrates that Western Wireless will not be serving only low-cost areas to the exclusion of high-cost areas – nor is Western Wireless proposing to serve only those wire centers to which a rural ILEC may have disaggregated and targeted a disproportionately high amount of support. (Population density analysis is really only a proxy for a cost analysis.) (DOC Supp. Comments, attachment A)
 - * The Commission should reject the modified tests TDS has submitted (based on access line density per Census Block Group rather than population density by wire center).
 - Unlike recent redefinition petitions from other Minnesota CETCs, Western Wireless does not propose redefinition for portions of wire centers.